

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S BANKUNITED, INC'S
RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION TO AMEND**

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1 As unsophisticated consumers that Plaintiffs are, by not reading the previous statement, they
2 didn't answer in 30 days to BankUnited's letter, and by not including that statement in the
3 letter, BankUnited violated Plaintiffs rights and the F.D.C.P.A. law 15 USC 1692 g (a)(3).

4 Defendants Trustee Services of Carolina DID INCLUDE in their letter the "Right to dispute
5 in thirty (30) days" provision in 15 USC 1692 g(a)(3), that's why Plaintiffs sent to Trustee
6 Services of Carolina and to BankUnited the letter titled "Qualified Written Request-Notice
7 of Dispute-Validation of debt" , within the 30 days stipulated.

8
9 BankUnited also violated another FDCPA law, this time, 15 USC 1692 g (a)(5), by not
10 stating in the letter the following: "upon consumer's written request within the 30 day
11 period, the debt collector will provide the consumer with the name and address of the
12 original creditor, if different from the current creditor."

13
14 Plaintiffs found out months later, that the original creditor went bankrupt.

15 Consequently, Plaintiffs find no basis to conclude that an opportunity to amend would be
16 something futile, and respectfully request to this Honorable Court that the Motion for Leave
17 to Amend Complaint be granted and that the Order be entered.
18

19
20 This is the 13th day of November, 2012

21
22 Gustavo Romanello
23 Acela Romanello



24 5445 Thunderidge dr.
25 Raleigh, NC 27610

26 Tangogauch@gmail.com
27

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CERTIFICATE OF SERVICE

1 **Plaintiffs certify that on November 13, 2012, a copy of the foregoing was served via First**
2 **Class Mail addressed to:**

3
4 **Sean T. Partrick**
5 **YATES McLAMB & WEYHER, LLP**
6 **421 Fayetteville St., ste. 1200**
7 **Raleigh, NC 27601**

8 **Counsel for BankUnited, Inc.**
9

10 **Travis E. Menk**
11 **BROCK & SCOTT, PLLC**
12 **5121 Parkway Plaza Blvd., ste.300**
13 **Charlotte, NC 28217**

14 **Counsel for Brock & Scott, Plc and**
15 **Trustee Services of Carolina, Llc**
16

17 **J. Whitfield Gibson Robert S. Shields, jr**
18 **MANNING FULTON & SKINNER, P.A.**
19 **3605 Glenwood Ave., ste. 500**
20 **Raleigh, NC 27612**

21 **Counsels for Ragsdale Liggett, Plc and**
22 **Ashley H. Campbell**

23 **This November 13, 2012**

24 **Gustavo Romanello**
25 **Acela Romanello**
26 **5445 Thunderidge dr.**
27 **Raleigh, NC 27610**
28 **Tangogauch@gmail.com**

